

# Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Montgomery and Marmet, West Virginia) )

Federal Communications Commission  
Office of the Secretary

MM Docket No. 03-164  
RM-10737

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To: Chief, Allocations Branch

SEP - 5 2003

Federal Communication Commission  
Bureau / Office

## COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

Educational Media Foundation ("EMF"), the licensee of WKVW(FM) (formerly WZKM(FM)), Channel 227A, Montgomery, West Virginia, by its undersigned attorneys and in response to the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, MB Docket No. 03-164 (released July 14, 2003) (the "*NPRM*"), hereby files these Comments in support of the *NPRM*'s proposal to reallocate Channel 227A from Montgomery, West Virginia to Marmet, West Virginia and to modify the license of WKVW to specify Marmet as its community of license.

### Discussion

1. EMF commenced this proceeding on August 14, 2002 with its filing of a Petition for Rule Making ("Petition") requesting that the Commission initiate a proceeding to amend the FM Table of Allotments as proposed in the *NPRM*. EMF demonstrated in its Petition that the proposed change in WKVW's community of license would not only comply with the Commission's technical requirements, but would also enable EMF to provide the community of

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Marmet with its first local aural transmission service while not depriving Montgomery of local broadcast service and would deprive no listeners of existing service since the reallocation proposal did not involve a site change.

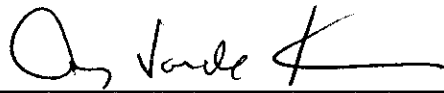
2. In response to EMF's Petition, the Commission instituted the instant rule making proceeding to more fully consider EMF's proposal. EMF hereby incorporates herein by reference its Petition previously filed in this proceeding and reiterates its expression of interest in the reallocation of Channel 227A from Montgomery to Marmet, West Virginia and the modification of the WKVW's license to specify operation at Marmet. If the proposal set forth in this proceeding is adopted, EMF will expeditiously submit a minor change application for a construction permit specifying the new facility at its currently authorized transmitter site and, once its construction permit is granted, will proceed promptly to file an application for a covering license for the station licensed to Marmet.

**Conclusion**

As EMF has previously demonstrated, grant of the proposal set forth in the *NPRM* will result in a preferential arrangement of allotments as it will permit WKVW to provide a first local aural transmission service to a community currently without such service without depriving Montgomery of local transmission service or any listeners of existing reception service. Moreover, the proposal is consistent with all of the Commission's rules, regulations, and policies. For these reasons, EMF urges the Commission to adopt the *NPRM*'s proposal to reallocate Channel 227A from Montgomery to Marmet, West Virginia.

Respectfully submitted,

**EDUCATIONAL MEDIA FOUNDATION**

By:   
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Dated: September 5, 2003

**CERTIFICATE OF SERVICE**

I, Renee Williams, a secretary in the law offices of Shaw Pittman LLP, hereby certify that on this 5<sup>th</sup> day of September, 2003, a copy of the foregoing **"COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING"** was sent via hand delivery, to the following:

John A. Karousos  
R. Barthen Gorman  
Audio Division, Media Bureau  
Federal Communications Commission  
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Washington, DC 20554

  
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Renee Williams